

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Jerry E. Stoyer
Diane Bresnan-Stoyer
Debtor(s)

Bankruptcy Case No.: 19-10801-TPA
Per February 11, 2020 Proceeding
Chapter: 13
Docket No.: 32 - 15, 22
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 3, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PHH Mortgage (Claim No. 5); Internal Revenue Service (Claim No. 4) and ACAR Leasing (Claim No. 1 and Claim No. 2) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

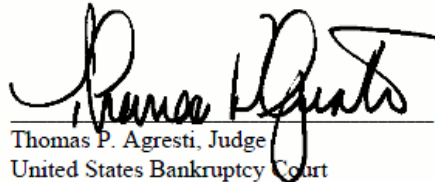
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: February 12, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Jerry E. Stoyer
 Diane Bresnan-Stoyer
 Debtors

Case No. 19-10801-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

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 Total Noticed: 41

Date Rcvd: Feb 12, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 14, 2020.

db/jdb +Jerry E. Stoyer, Diane Bresnan-Stoyer, 19 Windsor Drive, Greenville, PA 16125-9736
 15123629 +ACAR Leasing LTD d/b/a GM Financial Leasing, PO Box 183853, Arlington, TX 76096-3853
 15139222 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 15101359 (address filed with court: Bank Of America, PO Box 982238, El Paso, TX 79998)
 15101361 +CBCS, PO Box 2724, Columbus, OH 43216-2724
 15101362 +Chrysler Capital, PO Box 961275, Fort Worth, TX 76161-0275
 15139222 Citibank, N.A., 5800 S Corporate Pl., Sioux Falls, SD 57108-5027
 15101366 +Diagnostic Imaging Consultants, PO Box 371863, Pittsburgh, PA 15250-7863
 15101372 +Macys / Dsnb, PO Box 8218, Mason, OH 45040-8218
 15129659 +PHH Mortgage Corporation, 1 Mortgage Way, Mail Stop SV-22, MT. Laurel, NJ 08054-4637
 15101374 +Phh Mortgage Services, 1 Mortgage Way, Mount Laurel, NJ 08054-4624
 15101375 +Sallie Mae Bank Inc, PO Box 3229, Wilmington, DE 19804-0229
 15101376 +Sears / Cbna, PO Box 6217, Sioux Falls, SD 57117-6217
 15101380 +Transworld Systems Inc., 300 Cedar Ridge Drive, Suite 307, Pittsburgh, PA 15205-1159
 15101382 +UPMC Health Services, PO Box 371472, Pittsburgh, PA 15250-7472
 15136826 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 15101383 +UPMC Horizon, PO Box 382059, Pittsburgh, PA 15250-0001
 15101385 +UPMC Physician Services, PO Box 382046, Pittsburgh, PA 15250-0001
 15136827 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
 15101381 +Universal Card Cbna, PO Box 6241, Sioux Falls, SD 57117-6241

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Feb 13 2020 03:04:08
 Americredit Financial Services, Inc. DBA GM Financ, P.O Box 183853,
 Arlington, TX 76096-3853
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 13 2020 03:26:55
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15101358 +E-mail/Text: ally@ebn.phinsolutions.com Feb 13 2020 03:03:14 Ally Financial,
 PO Box 380901, Bloomington, MN 55438-0901
 15163986 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Feb 13 2020 03:06:00
 Bayview Loan Servicing, LLC, 4425 Ponce De Leon Blvd. 5th Floor,
 Coral Gables, Florida 33146-1873
 15124243 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 13 2020 03:15:09
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15101360 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 13 2020 03:14:18
 Capital One Bank USA NA, PO Box 30281, Salt Lake City, UT 84130-0281
 15101363 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Feb 13 2020 03:04:15
 Comenity Bank / Coldwater Creek, PO Box 182789, Columbus, OH 43218-2789
 15101364 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Feb 13 2020 03:04:15 Comenity Bank / Peebles,
 PO Box 182789, Columbus, OH 43218-2789
 15101365 +E-mail/Text: bdsupport@creditmanagementcompany.com Feb 13 2020 03:05:58
 Credit Management Company, 2121 Noblestown Road, PO Box 16346, Pittsburgh, PA 15242-0346
 15139223 E-mail/Text: bnc-quantum@quantum3group.com Feb 13 2020 03:04:22
 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 15101367 +E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Feb 13 2020 03:04:08 Gm Financial,
 PO Box 181145, Arlington, TX 76096-1145
 15101369 E-mail/Text: cio.bncmail@irs.gov Feb 13 2020 03:04:05 Internal Revenue Service,
 Insolvency Unit, PO Box 628, Pittsburgh, PA 15230
 15101371 +E-mail/Text: key_bankruptcy_ebnc@keybank.com Feb 13 2020 03:05:34 Keybank, Na,
 4910 Tiedeman Road, Brooklyn, OH 44144-2338
 15101373 +Fax: 407-737-5634 Feb 13 2020 03:23:23 Ocwen Loan Servicing LLC, 1661 Worthington Road,
 West Palm Beach, FL 33409-6493
 15139330 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 13 2020 03:15:07
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15137072 E-mail/Text: bnc-quantum@quantum3group.com Feb 13 2020 03:04:22
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 15101377 +E-mail/PDF: gecsed@recoverycorp.com Feb 13 2020 03:14:58 Synch / American Eagle,
 PO Box 965005, Orlando, FL 32896-5005
 15101378 +E-mail/PDF: gecsed@recoverycorp.com Feb 13 2020 03:14:57 Synch / JCPenney Dc,
 PO Box 965007, Orlando, FL 32896-5007
 15101379 +E-mail/PDF: gecsed@recoverycorp.com Feb 13 2020 03:14:12 Synch / Lowes, PO Box 965005,
 Orlando, FL 32896-5005
 15102329 +E-mail/PDF: gecsed@recoverycorp.com Feb 13 2020 03:14:12 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15101384 +E-mail/Text: BankruptcyNotice@upmc.edu Feb 13 2020 03:06:08 UPMC Passavant,
 9100 Babcock Boulevard, Pittsburgh, PA 15237-5815
 15134773 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Feb 13 2020 03:13:45 Verizon,
 by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 22

District/off: 0315-1

User: jmar
Form ID: 149

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Total Noticed: 41

Date Rcvd: Feb 12, 2020

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr	BAYVIEW LOAN SERVICING, LLC	
cr	Bayview Loan Servicing, LLC	
cr	PHH Mortgage Corporation	
15101368*	+Internal Revenue Service,	PO Box 7346, Philadelphia, PA 19101-7346
15101370*	+Internal Revenue Service,	William Moor-Head Building, 1000 Liberty Avenue, Room 806, Pittsburgh, PA 15222-4027

TOTALS: 3, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 14, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 12, 2020 at the address(es) listed below:

Daniel P. Foster on behalf of Debtor Jerry E. Stoyer dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Joint Debtor Diane Bresnan-Stoyer dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor Bayview Loan Servicing, LLC bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor BAYVIEW LOAN SERVICING, LLC bkgroup@kmlawgroup.com
Jerome B. Blank on behalf of Creditor PHH Mortgage Corporation pawb@fedphe.com
Office of the United States Trustee ustpre03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Thomas Song on behalf of Creditor PHH Mortgage Corporation pawb@fedphe.com

TOTAL: 8